

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
THE ARMY, *et al.*,**

Defendants.

Civil Action No. 18-1551 (ESH)

ORDER

As discussed on the conference call held yesterday, September 4, at 3:30 pm, it is hereby **ORDERED** that by no later than **September 9, 2019, at 12 pm**, defendants shall provide plaintiffs' counsel with:

(1) Information "regarding the discharge status of the potential plaintiff identified by Plaintiffs' counsel by an August 20, 2019 email," ECF 130 at 5, as well as information regarding "the stated reason for her discharge (including whether it was MSSD-related or otherwise), and the Army's intention, if any, to offer reinstatement to the potential named plaintiff (pursuant to the October 26, 2018 Memo or otherwise)," *id.*; and

(2) Confirmation as to whether defendants' previous statement to the Court that "[a]ll of the files provided to Plaintiffs included a USAREC Form 601.2[10].21," *id.*, is correct for the 19 files produced to plaintiffs, with the exception of the three files noted by defendants as lacking that form but including a denial of a medical waiver instead; and

(3) Confirmation as to whether defendants' discovery methodology complied with this Court's instructions in its July 31 Order (ECF 123).

Simultaneous with the provision of this information to plaintiffs, defendants shall file a status report informing the Court of what was provided to plaintiffs; it is further

ORDERED that by the time of the next status conference, scheduled for **September 11, 2019, at 2 pm**, defendants shall be prepared to update plaintiffs and the Court as to:

(1) Whether the number of soldiers “who received an uncharacterized discharge after being sent to basic training and/or entering active duty” is in fact 24 as had been previously reported, *see id.* at 6, and whether there is evidence in those soldiers’ files that the processes under AR 635-200 were followed at the time of their discharge; and

(2) How many of the approximately 521 non-MSSD “separation-related files for DEPs do not include a USAREC Form 601-210.21,” as well as the Army’s “intentions with respect to this group—*e.g.*, does the Army consider them discharged, [and] will the Army be offering them reinstatement.” *Id.*



Ellen S. Huvelle

ELLEN S. HUVELLE
United States District Judge

Date: September 5, 2019